IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 17102 of 2004

For Approval and Signature:

HON'BLE MR JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RAJNAGAR TEXTILE MILLS NO.1 - Petitioner(s)

Versus

ASHABEN MAHESHBHAI WD/O. LATE MAHESHBHAI BHIKHABHAI - Respondent(s)

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Appearance :

NANAVATI & NANAVATI for Petitioner No(s).: 1.

NOTICE SERVED for Respondent No(s).: 1.

MR KISHOR M PAUL for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE M.R. SHAH

Date : 10/08/2005

ORAL JUDGMENT

Rule. Shri Kishor M. Paul, learned advocate waives service of Rule on behalf of respondent. In this petition under Article 226/227 of the Constitution of India, the petitioner management has challenged the legality and validity of the order

dated 14th May 2004 passed by the Industrial Court, Ahmedabad in Appeal (IC) No. 119 of 2002 by which the Industrial Court has dismissed the said Appeal confirming the judgment and award passed by the Labour Court, Ahmedabad in 'T' Application No. 68 of 1991.

2. Today, when the matter is called out, the learned advocates appearing for the parties have jointly submitted that in the peculiar facts and circumstances of the case more particularly when the concerned workman has expired and the petitioner has agreed to pay an amount of Rs. 1,00,000/- lumpsum towards full and final settlement of the claim of the concerned workmen against the petitioner company, and the heirs of the deceased workman who are also present in the Court have also agreed to accept the same as full and final settlement. Shri Shukla has submitted that the Factory Manager, as representative of the petitioner company is also present in the Court. In view of the aforesaid joint statement made by the learned advocates for the parties, the judgment and award passed by the Labour Court, Ahmedabad, dated 24.9.2002 in 'T' Application No. 68 of 1991 and confirmed by the Industrial Court by judgment and order in Appeal (IC) No. 119 of 2002 are modified to the aforesaid extent on payment of Rs. 1,00,000/- by the petitioner to the respondent as full and final settlement. It is ordered that on

payment of Rs. 1,00,000 to the respondent, there will not be any claim against the petitioner company hereafter. The aforesaid amount of Rs. 1,00,000 be paid by an Account Payee cheque within 4 weeks from today as agreed by and between the parties. Rule is made absolute to the aforesaid extent with no order as to costs.

[M.R. Shah, J.]

RMR.